

10/31/03

Sheet 1 of 1

FORM PTO-1449, Adapted

LIST OF INFORMATION DISCLOSED BY APPLICANT*(Use several sheets if necessary)*

ATTY. DOCKET NO.

06576.105134

SERIAL NO.

Not Yet Assigned

FILING DATE

October 31, 2003

APPLICANT

Barry Christopher Allyn and Mark Thomas Nelson

GROUP

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|----------|---------------------------|-------|----------|-------------------------------|
| AB | AA | 5,742,779 | 4/21/98 | Richard D. Steele et al. | | | |
| AB | AB | 5,436,637 | 7/25/95 | Charles E. Gayraud et al. | | | |
| AB | AC | 5,861,889 | 1/19/99 | John R. Wallace et al. | | | |
| AB | AD | 5,396,590 | 3/7/95 | Jeffrey W. Kreegar | | | |
| AB | AE | 6,462,763 | 10/8/02 | Michael P. Mostyn | | | |
| AB | AF | 5,515,496 | 5/7/96 | Edwin B. Kaehler et al. | | | |
| AB | AG | 6,469,709 | 10/22/02 | Tetsuo Sakai | | | |
| | AH | | | | | | |
| | AI | | | | | | |
| | AJ | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | NAME | TRANSLATION | |
|--|----|-----------------|------|---------|------|-------------|-----|
| | | | | | | YES | NO. |
| | AL | | | | | | |
| | AM | | | | | | |
| | AN | | | | | | |
| | AO | | | | | | |

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

| | | | |
|--|----|--|--|
| | AP | | |
| | AR | | |
| | AS | | |
| | AT | | |

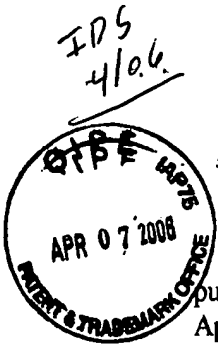
EXAMINER

/Andrey Belousov/

DATE CONSIDERED

01/03/2007

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



APPLICANTS' STATEMENT REGARDING A NON-PUBLIC USE

This statement is presented by Applicants to disclose events related to a non-public use of implementations described in the Application for Letters Patent, US Application No. 10/699,401, hereinafter "the Application."

At least some of the features disclosed in the Application may have been included in a beta release of Office, which occurred in October 2002. Therefore, it is possible some of the system code incorporating the described implementations was disclosed to a controlled set of users more than one year from the filing date of the Application. This beta release of Office, which was conducted for testing purposes, included approximately five thousand users. It is significant to note that the beta was distributed to a fixed number of users, and each user acknowledged our non-disclosure agreement. The non-disclosure agreement included the following clause:

7. CONFIDENTIALITY. The Product, including its existence and features, and related information are proprietary and confidential information to Microsoft and its suppliers. Recipient agrees not to disclose or provide the Product, documentation, or any related information (including the Product features or the results of use or testing) to any third party, prior to commercial release of the Product. However, Recipient may disclose confidential information in accordance with judicial or other governmental order, provided Recipient shall give Microsoft reasonable written notice prior to such disclosure and shall comply with any applicable protective order or equivalent. Further, Recipient shall not be liable to Microsoft for disclosure of information which Recipient can prove (a) is already known to Recipient without an obligation to maintain the same as confidential; (b) becomes publicly known through no wrongful act of Recipient; (c) is rightfully received from a third party without breach of an obligation of confidentiality owed to Microsoft; or (d) is independently developed by Recipient. The obligations of this Section 7 are in addition to the terms of any confidentiality or non-disclosure agreement that may exist between Microsoft and Recipient.

Since the beta was distributed to a fixed number of users that acknowledged the above confidentiality clause, Applicants believe submission of the claims in the Application is proper.

AB
1/04/07